

HAYNES BOONE

HB

Christos G. Papapetrou, Esq.
Direct Phone Number: 212-659-4967
Direct Fax Number: 212-884-8256
christos.papapetrou@haynesboone.com

September 23, 2021

Via ECF

MEMO ENDORSED

Honorable Katherine Polk Failla
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

Re: HLT Existing Franchise Holding LLC and Hilton Domestic Operating Co. Inc. v. Maa Amba, Inc., et al., Case No. 21-cv-5842

Dear Judge Failla:

We are counsel to Plaintiffs HLT Existing Franchise Holding LLC and Hilton Domestic Operating Company Inc. (collectively, “Plaintiffs”) in the above-captioned action (the “Action”). In accordance with the Court’s order dated September 21, 2021, we write in response to the motion of defendants Maa Amba, Inc., Dilip G. Patel, and Naina D. Patel (collectively, “Defendants”) to vacate the default pursuant to Federal Rule of Civil Procedure 55(c) (the “Motion”).

We have conferred with counsel for Defendants regarding the Motion. As both parties have previously expressed their interest in attempting to settle this Action, the parties have agreed to engage in a settlement conference before the Magistrate Judge in exchange for Plaintiffs’ agreement not to oppose the Motion. While Plaintiffs dispute many of Defendants’ assertions in the Motion, including that Defendants have meritorious defenses to Plaintiffs’ claims, to avoid any further expenditure of the Court’s time and resources Plaintiffs have agreed not to oppose the Motion. Accordingly, Plaintiffs respectfully request that the parties be referred to the Magistrate Judge for a settlement conference.

Plaintiffs also respectfully request that, following the prompt filing of Defendants’ answer, the Action be stayed pending these settlement discussions in the interest of judicial efficiency, which Defendants have agreed to.

Moreover, to the extent the Court agrees to refer this matter to the Magistrate Judge for a settlement conference, the parties have conferred regarding their mutual availability. Subject to the Magistrate Judge’s availability, the parties are generally available during the last two weeks

Haynes and Boone, LLP

30 Rockefeller Plaza | 26th Floor | New York, NY 10112
T: 212.659.7300 | haynesboone.com

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of October, with the exception of October 19, 22, and 29, and can provide additional dates upon request.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Christos G. Papapetrou

Christos G. Papapetrou

cc: Michael Garner, counsel for Defendants (via ECF)

The Court is pleased to hear that the parties are communicating and working toward resolution of this case.

On August 26, 2021, the Clerk of Court entered a certificate of default as to Defendants Maa Amba, Inc., Dilip G. Patel, and Naina D. Patel. (Dkt. #23). For the reasons stated in Defendants' motion to vacate the certificate of default (Dkt. #33-36), and in light of Plaintiffs' above representation that they do not oppose Defendants' motion, the Court directs the Clerk of Court to vacate the certificate of default.

An Order referring the parties to the designated Magistrate Judge for settlement discussions will issue under separate cover.

The Clerk of Court is directed to terminate the motion at docket entry 33.

Dated: September 24, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads 'Katherine Polk Failla'.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE